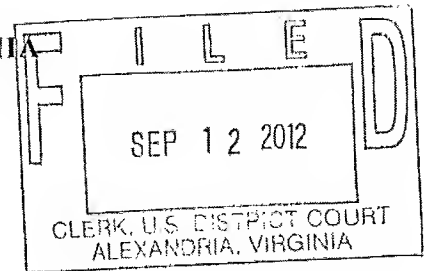


**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**



**THE CHURCH OF THE GOOD
SHEPHERD - UNITED METHODIST**

Plaintiff,

v.

**THE BOARD OF SUPERVISORS
OF FAIRFAX COUNTY, VIRGINIA,**

Defendant.

Civil Action No. 1:12-cv-00925-CMH-JFA

CONSENT ORDER

This Consent Order has been submitted jointly by the parties for approval by and entry by the Court.

This Order resolves all claims by the Plaintiff, The Church of the Good Shepherd – United Methodist (Church) against The Board of Supervisors of Fairfax County, Virginia (County) pursuant to the Civil Rights Act of 1871 and the Religious Land Use and Institutionalized Persons Act of 2000.

The parties have entered into the Order voluntarily to avoid the risks, time and expense of litigation in a manner that promotes the community's interests and promotes the public welfare.

NOW, THEREFORE, on joint motion of the parties, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. This is an action by The Church of the Good Shepherd – United Methodist under the Civil Rights Act of 1871, 42 U.S.C. § 1983, and the Religious Land Use and Institutionalized Persons Act of 2000, 42 U.S.C. §§ 2000cc *et seq.* (RLUIPA).
2. This Court has jurisdiction over the subject matter of this action and all the parties. Venue in the Eastern District of Virginia is proper.
3. The Defendant, without admitting the allegations set forth in the Complaint, stipulates and agrees to this Order, without trial or final adjudication of any issue of fact or law, to settle and resolve all matters in dispute arising from the Complaint to the date of entry of this Order. The parties stipulate and agree that this Order constitutes a settlement agreement pursuant to Federal Rule of Evidence 408.4. Entry of this Order is in the public interest.
5. Pursuant to Federal Rule of Civil Procedure 65(d), the provisions of this Order are binding upon Plaintiff and Defendant and its officers, employees, and agents, and upon those persons or entities in active concert or participation with them who receive actual notice of this Order by personal service or otherwise.

ORDER

I. PROHIBITED ACTIVITIES

- A. IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the County's policy limiting the number of times a message can be changed on a lawful lighted sign to twice in a 24-hour period is abrogated.

II. OTHER PROVISIONS

- A. IT IS FURTHER ORDERED that the County will rescind the July 16, 2012, Notice of Violation issued to the Church and that the Church will comply with all provisions of the County's Zoning Ordinance, Section 12-104(6), including its prohibition on moving copy, which the parties agree shall not be construed to mean changing, but static, text or copy
- B. IT IS FURTHER ORDERED that nothing in this Order shall prohibit the County from bringing a future Notice of Violation against Plaintiff in the event that the County determines the Church's use of its sign to be in violation of this Order.
- C. IT IS FURTHER STIPULATED by the parties that the County intends to undertake a review of its Zoning Ordinance provisions relating to lighted signs and that any proposed amendments to the ordinance will be subject to the County's normal notice and public hearing provisions.

III. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED that this Court shall retain jurisdiction over this matter for purposes of the construction, modification and enforcement of this Order.

IV. ENTRY OF THIS FINAL JUDGMENT

IT IS FURTHER ORDERED, pursuant to Federal Rule of Civil Procedure 54(b), that there is no just reason for delay and the Clerk of Court immediately shall enter this

Order as a final judgment as to all parties.

IT IS SO ORDERED.

September 12, 2012

/s/
Claude M. Hilton
United States District Judge

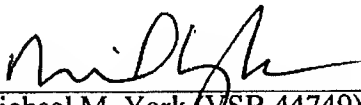
SO STIPULATED:

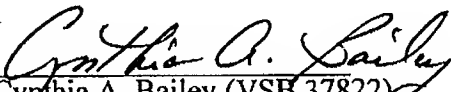
DATED: Sept. 7, 2012

DATED: September 7, 2012

FOR THE PLAINTIFF:

FOR THE DEFENDANT:


Michael M. York (VSB 44749)
myork@wehnergork.com
WEHNER & YORK, P.C.
11860 Sunrise Valley Drive, Suite 100
Reston, Virginia 20191
Tel: (703) 476-8000
Fax: (703) 991-0846


Cynthia A. Bailey (VSB 37822)
Senior Assistant County Attorney
Fairfax County
12000 Fairfax Government Parkway
Fairfax, Virginia 22035
Tel: (703) 324-2421
Fax: (703) 324-2665